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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 PHAY ANOUSAYA,

No. CIV S-05-0301-GEB-CMK

12 Plaintiff,

13 vs.

ORDER

14 JO ANNE B. BARNHART,
Commissioner of Social Security,

15 Defendant.
16 _____/

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18 Plaintiff, who is proceeding with retained counsel, brings this action for judicial
19 review of a final decision of the Commissioner of Social Security pursuant to 42 U.S.C. §
20 405(g). On May 9, 2005, the court issued an order granting plaintiff's motion for leave to
21 proceed in forma pauperis. That order required plaintiff to submit documents to the United
22 States Marshal incident to service of the complaint, and also required plaintiff to file in this court
23 proof of such submission of documents within 15 days of the date of the order. Plaintiff failed to
24 file proof of submission of documents to the United States Marshal, as required by the May 9,
25 2005, order and, on October 18, 2005, the court directed plaintiff to show cause regarding her
26 non-compliance. Plaintiff failed to respond to the order to show cause and, on December 12,

1 2005, the court issued findings and recommendations that this action be dismissed for lack of
2 prosecution and failure to comply with court rules and orders. Objections to the findings and
3 recommendations were due within 10 days.

4 In the interest of justice, the court will sua sponte extend the time within which
5 plaintiff may file objections to the findings and recommendations. The filing of a notice, within
6 the time provided herein, that plaintiff has submitted the appropriate documents to the U.S.
7 Marshal pursuant to the court's May 9, 2005, order, will constitute an adequate response to the
8 order to show cause, and will result in the order to show cause being discharged and the
9 December 12, 2005, findings and recommendations being vacated.

10 Accordingly, IT IS HEREBY ORDERED that within 20 days after being served
11 with this order, any party may file written objections to the December 12, 2005, findings and
12 recommendations, such document to be captioned "Objections to Magistrate Judge's Findings
13 and Recommendations".

14 Dated: January 19, 2006

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16 /s/Craig M. Kellison
17 United States Magistrate Judge
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